

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LAMAR BROWN,

Case No. 2:22-cv-00564-RFB-BNW

Petitioner,

**ORDER**

v.

STATE OF NEVADA, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Lamar Brown's failure to comply with this Court's order. (ECF No. 5.)

On April 8, 2022, this Court denied Brown's incomplete application to proceed in forma pauperis and ordered Brown to file another application for leave to proceed in forma pauperis, accompanied by a signed financial certificate and a statement of his inmate account. (ECF No. 3.) Alternatively, the Court ordered Brown to make the necessary arrangements to pay the filing fee of \$5.00. (Id.) The Court gave Brown 45 days to comply. (Id.) That 45-day deadline expired on May 23, 2022. Brown's brother called the clerk's office on May 24, 2022, indicating that he would "be in the office before [close of business] today to pay the \$5 filing fee." This does not appear to have occurred. Thereafter, Brown submitted another incomplete application to proceed in forma pauperis. (ECF No. 4.)

On May 27, 2022, this Court give Brown one more chance to comply, ordering Brown to file another application for leave to proceed in forma pauperis, accompanied by a signed financial certificate and a statement of his inmate account, or make the necessary arrangements to pay the filing fee of \$5.00 (ECF No. 5.) This Court gave Brown 30 days to comply, explaining that failure to comply would result in the dismissal of this action. That 30-day deadline expired on June 27,

2022. To date, Brown has not filed a completed in forma pauperis application, paid the \$5 filing fee, requested an extension of time, or taken any other action to prosecute this case.

**IT IS THEREFORE ORDERED** that Petitioner Lamar Brown's Petition for Writ of Habeas Corpus (ECF No. 1-1) is DISMISSED WITHOUT PREJUDICE based on his failure to comply with the Court's Order (ECF No. 5).

**IT IS FURTHER ORDERED** that Petitioner is denied a certificate of appealability, as jurists of reason would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.

**IT IS FURTHER ORDERED** that the Clerk of Court is instructed to add Nevada Attorney General Aaron D. Ford as counsel for Respondents. No response is required from Respondents other than to respond to any orders of a reviewing court.

**IT IS FURTHER ORDERED** that Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will file the Petition (ECF No. 1-1) and informally serve the Nevada Attorney General with the petition and this order by sending a notice of electronic filing to the Nevada Attorney General's office.

**IT IS FURTHER ORDERED** that the Clerk of Court is instructed to enter final judgment accordingly, dismissing this action without prejudice, and close this case. Petitioner has leave from the Court to file a motion for reconsideration to reopen this case based upon the assertion of legitimate or equitable reasons for failing to comply with the Court's order.

Dated: August 9, 2022



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT COURT